

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-4  
AGENDA DATE: Thu 10/27/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0074 - H2O Car Wash - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3327 West Slaughter Lane (Slaughter Creek-Barton Springs Zone) from limited office-conditional overlay (LO-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant and Agent: Terra Advisors, DBA (Michael F. Doerr). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-05-0074

**Z.P.C. DATE:** June 7, 2005  
June 21, 2005

**ADDRESS:** 3327 West Slaughter Lane

**OWNER AND APPLICANT:** Terra Advisors, DBA (Michael F. Doerr)

**ZONING FROM:** LO-CO      **TO:** GR-CO    **AREA:** 0.162 acres (7,057 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to maintain limited office – conditional overlay (LO-CO) combining district zoning. The Conditional Overlay continues the trip limitation established with the 2002-2003 case and the following prohibited uses: medical offices; private primary educational facilities; private secondary educational facilities; public primary educational facilities and public secondary educational facilities.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

June 7, 2005: *APPROVED A POSTPONEMENT REQUEST TO 06/21/05 (APPLICANT).  
[J. MARTINEZ; J. GOHIL – 2<sup>ND</sup>] (9-0)*

June 21, 2005: *APPROVED GR-CO DISTRICT ZONING WITH RESTRICTIVE COVENANT AS OFFERED BY THE APPLICANT. ADDITIONAL RESTRICTIVE COVENANT ITEMS ARE: ROLLBACK TO LO-CO, IF THE USE CEASES; HOURS OF OPERATION, 8:00 A.M. TO 6:00 P.M., MONDAY THRU SATURDAY ONLY.  
[T. RABAGO, J. MARTINEZ – 2<sup>ND</sup>] (8-0) K. JACKSON – ABSENT*

### **ISSUES:**

A valid petition of 25.16% has been filed by the adjacent property owners in opposition to this rezoning request.

Correspondence from the Applicant's agent and a conceptual site plan showing the proposed operations on a portion of the lot are attached at the very back of the staff report.

The President of the Tanglewood Forest Neighborhood Association has submitted a letter of opposition to the proposed rezoning and the adjacent property owner to the south on Graybuck Road has also provided comments in opposition. Comments in favor of the proposed rezoning have also been received. All correspondence is attached at the back of the staff packet.

**DEPARTMENT COMMENTS:**

The subject rezoning area is developed with a wooden storage structure and represents a portion of a platted lot, which is located mid-block on West Slaughter Lane between Brodie Lane and Rocking Horse Road. The rezoning area was one of eight consecutive lots on Slaughter Lane that were initially proposed for community commercial (GR) zoning in 2002 – 2003 that is outlined in the Related Cases section on Page 4. The rezoning area is designated as limited office – conditional overlay (LO-CO) district along with the majority of the rezoning area, while portions of two lots to the west were approved for LR-CO zoning. The Conditional Overlay for the 2003 case prohibited several uses and established a 2,000 trip limit across all of the rezoned lots.

The property is situated between a beauty salon and an office (LR-CO, LO-CO). Other uses on the south side of Slaughter Lane include a gas station with convenience store, an orthodontist's office, an insurance office and a single family residence. There is a retail shopping center to the north and single family residences on large lots to the south (SF-2; DR). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View). Less than 2,250 feet (at West Gate Boulevard) to the east and outside the Barton Springs Zone is a manual multi-bay, coin-operated car wash and a single bay automatic car wash. Neither one of these existing car wash uses abut residential development.

The Applicant proposes to rezone this portion of the lot to the GR-CO district and develop the property with a hand car wash operation which is first allowed in this commercial zoning district. As shown on the Applicant's conceptual site plan, two lanes are provided for vehicles entering the car wash facility, a third lane is provided for the car wash area, and two lanes are provided for the drying area. A 1,200 square foot building with cashier, restrooms and customer waiting area, and an outdoor deck would also be constructed. The remainder of the lot would retain LO-CO zoning (it is not a part of this zoning case) and serve as driveway and parking areas.

Staff is unable to support the Applicant's request for GR-CO zoning and recommends maintaining the existing LO-CO zoning, as approved in March 2003. The Staff recommendation is based on the following considerations: 1) the proposed auto washing use is incompatible and in close proximity to the single family residences to the south (approximately 35 feet to the common property line) and furthermore, it will be difficult to confine the operations within the rezoning area and avoid "spillover" to other portions of the site zoned LO-CO; 2) GR zoning is generally reserved for property located at an intersection serviced by arterial roadways and while the rezoning area is close to the intersection of Brodie and Slaughter, it does not have access to both streets; 3) there has not been a significant change in the character of the surrounding area since the 2002 request for GR zoning was considered and LO-CO was approved for this property; and 4) the existing LO-CO zoning provides a transition between the single family residences to the south and the heavily-traveled Slaughter Lane and shopping center to the north. Consistent with the 2002-2003 case, the Staff recommends carrying over those portions of the Conditional Overlay that correspond with the existing LO-CO zoning.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO-CO	Wooden storage structure
<i>North</i>	GR-CO; CS-1-CO; MF-4-CO	Shopping center with financial services, restaurants, grocery store, retail, liquor store; Undeveloped
<i>South</i>	SF-2; DR	Single family residences; Undeveloped
<i>East</i>	LR-CO; LO-CO; SF- 2	Beauty salon; Single family residence; Insurance office
<i>West</i>	LO-CO; LO; GR-CO	Offices; Orthodontist's office; Service station with convenience store

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** Slaughter Creek –  
Barton Springs Zone

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

- 217 – Tanglewood Forest Neighborhood Association
- 219 – Palomino Park Homeowner's Association
- 384 – Save Barton Creek Association
- 385 – Barton Springs Coalition
- 428 – Barton Springs / Edwards Aquifer Conservation District
- 465 – Cherry Creek on Brodie Neighborhood Association
- 511 – Austin Neighborhoods Council
- 627 – Onion Creek Homeowners Association
- 742 – Austin Independent School District
- 918 – Davis Hills Estate HOA
- 943 – Save Our Springs Alliance
- 959 – Villages Neighborhood Association
- 997 – Tanglewood Oaks Owners Association

**SCHOOLS:**

Kocurek Elementary School      Paredes Middle School      Bowie High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-02-0172	DR to GR	To Grant NO-CO with conditions of no additional impervious cover; prohibit access	Approved NO-CO with the CO establishing the maximum impervious

		to Rocking Horse Road.	cover at 21.9 percent and prohibiting access to Rocking Horse Road (7-17-03).
C14-02-0102	I-SF-2; SF-2 to LO-MU-CO; LR, as amended	To Grant LR-MU-CO with list of prohibited uses, 2,000 trips and 8 driveway cuts.	Granted LO-CO for Tracts 1 and 2 and LR-CO for Tract 3 (3-27-03).
C14-02-0118	LO-CO to GR	To Grant GR-CO w/CO for list of prohibited uses, 40' height and 2,000 trips.	Approved GR-CO as recommended by ZAP (12-5-02).
C14-02-0119	GR-CO to CS-1	To Grant CS-1-CO w/CO to permit Liquor Sales and all other GR uses with the exception of auto washing and repair, commercial off-street parking, extermination services, funeral services, pawn shops, and service stations; limit of 40' height.	Approved CS-1-CO, with a Restrictive Covenant for an IPM plan and to use native plants (11-7-02).
C14-02-0035	I-RR to MF-4	To Grant MF-4-CO with conditions; Restrict development to MF-3 development standards, except height – limit of 45 feet; SF-6 density; 2,000 vehicle trips per day; 300 foot wide buffer along the north property line.	Approved MF-4-CO with CO restricting development to MF-3 standards with exception of a 45' height limit; SF-6 density; 2,000 trips; 300' wide vegetative buffer along north property line, adjacent to adjoining residential district, with limited improvements allowed. A Restrictive Covenant requires the use of native plants and an IPM Plan (11-21-02).

**RELATED CASES:**

The subject property is a portion of Lot 3 of Palomino Park Section One, recorded in June 1965, as provided in Exhibit B.

The subject rezoning area was part of a 2002-03 rezoning case that involved eight lots fronting West Slaughter Lane (C14-02-0102). The property owners, including the Applicant on the subject rezoning case, applied for GR zoning. The case was forwarded to the Dispute Resolution Officer and the Zoning and Platting Commission approved LR-MU-CO district zoning for all eight lots. The Conditional Overlay prohibited several uses and limiting trips to 2,000 per day and the number of driveway cuts to eight. Prior to City Council consideration, one of the eight applicants withdrew from the zoning case, and the remaining applicants amended the application and reduced the amount of commercial zoning requested. The Applicants requested LR-CO for portions of two lots, both adjacent to the Slaughter Lane right-of-way. For the remaining lots and portions thereof, the Applicants requested LR-CO. On March 27, 2003, the City Council approved LR-CO for Tracts One and Two, and LO-CO for Tract Three. The Conditional Overlay limits the number of daily trips to 2,000, and prohibits the following uses: food sales, off-site accessory parking, service station, medical offices; guidance services; local utility services, restaurant limited; general retail sales (convenience), and all educational facilities.

**ABUTTING STREETS:**

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
West Slaughter Lane	114 feet	2 @ 32 feet	Arterial	24,750 (1998)

- Capital Metro bus service is not available within 1/4 mile of this property.
- Slaughter Lane is classified in the Bicycle Plan as a Priority 1 bike route.
- There are existing sidewalks along Slaughter Lane.

**CITY COUNCIL DATE:** July 28, 2005

**ACTION:** Approved a Postponement request by the Applicant to August 25, 2005 (7-0).

August 25, 2005

Approved a Postponement request by the Applicant to October 27, 2005 (7-0).

October 27, 2005

**ORDINANCE READINGS:** 1<sup>st</sup>

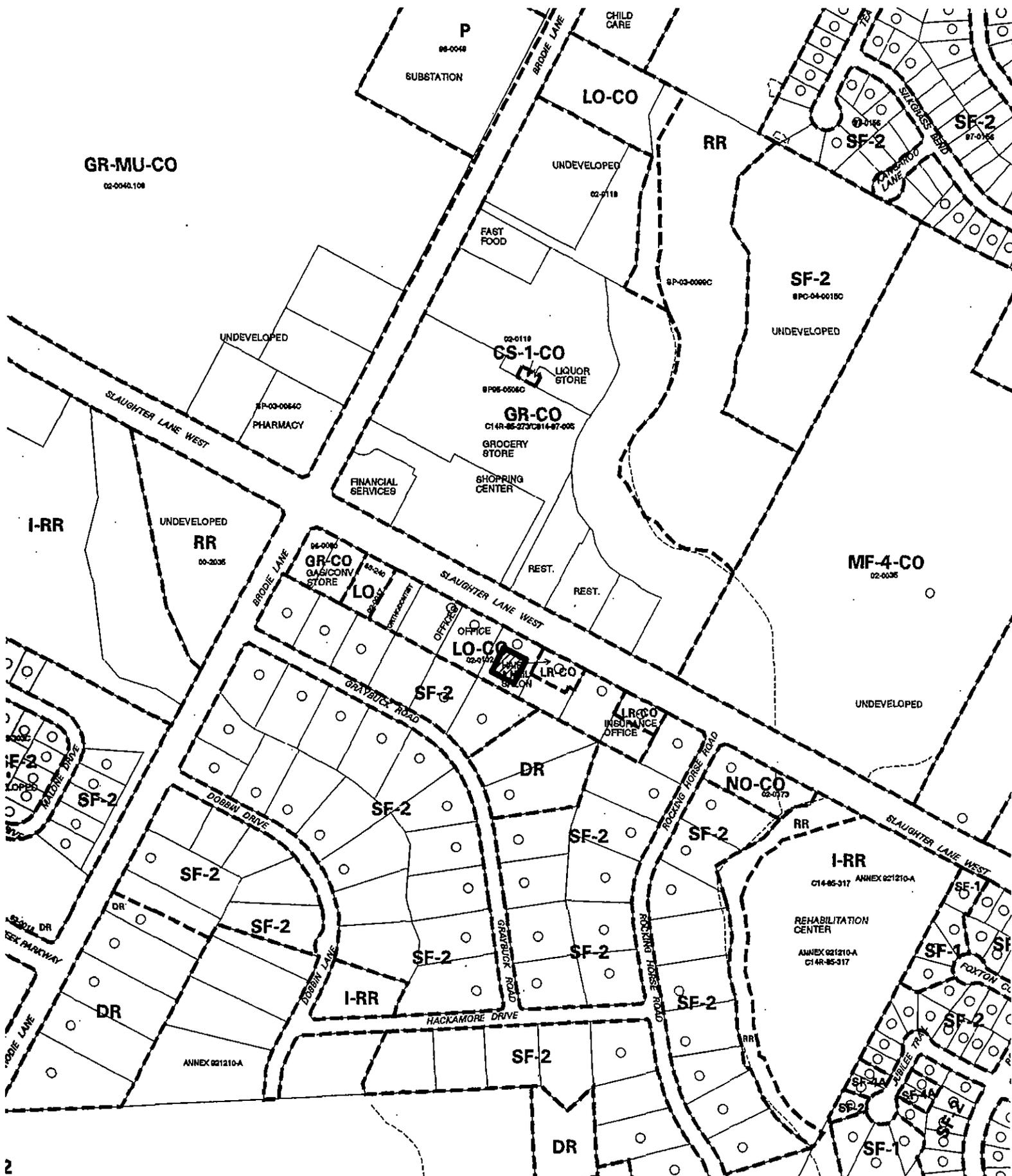
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**PHONE:** 974-7719



<p>1" = 400'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: W. WALSH</p>	<p><b>ZONING Exhibit A</b></p> <p>CASE #: C14-05-0074</p> <p>ADDRESS: 3327 W SLAUGHTER LANE</p> <p>SUBJECT AREA (acres): 0.162</p>	<p>DATE: 05-06</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>D15</p>
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GR-CO

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GROCERY STORE

FARM SERVICE SHOPPING CENTER

WEST WALKER BLVD

SUNGLITE

BROOKLYN RD

MAY



**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to maintain limited office – conditional overlay (LO-CO) combining district zoning. The Conditional Overlay continues the trip limitation established with the 2002-2003 case and the following prohibited uses: medical offices; private primary educational facilities; private secondary educational facilities; public primary educational facilities and public secondary educational facilities.

**BACKGROUND**

The subject rezoning area is developed with a single family residence and represents a portion of a platted lot, that is located mid-block on West Slaughter Lane between Brodie Lane and Rocking Horse Road. The rezoning area was one of eight consecutive lots on Slaughter Lane that were initially proposed for community commercial (GR) zoning in 2002 – 2003 that is outlined in the Related Cases section on Page 4. The rezoning area is designated as limited office – conditional overlay (LO-CO) district along with the majority of the rezoning area, while portions of two lots to the west were approved for LR-CO zoning. The Conditional Overlay for the 2003 case prohibited several uses and established a 2,000 trip limit across all of the rezoned lots.

The property is situated between a beauty salon and an office (LR-CO, LO-CO). Other uses on the south side of Slaughter Lane include a gas station with convenience store, an orthodontist's office, an insurance office and a single family residence. There is a retail shopping center to the north and single family residences on large lots to the south (SF-2; DR). Less than 2,250 feet (at West Gate Boulevard) to the east and outside the Barton Springs Zone is a manual multi-bay, coin-operated car wash and a single bay automatic car wash. Neither one of these existing car wash uses abut residential development.

The Applicant proposes to rezone this portion of the lot to the GR-CO district and develop the property with a hand car wash operation which is first allowed in this commercial zoning district. As shown on the Applicant's conceptual site plan, two lanes are provided for vehicles entering the car wash facility, a third lane is provided for the car wash area, and two lanes are provided for the drying area. A 1,200 square foot building with cashier, restrooms and customer waiting area, and an outdoor deck would also be constructed. The remainder of the lot would retain LO-CO zoning (it is not a part of this zoning case) and serve as driveway and parking areas.

Staff is unable to support the Applicant's request for GR-CO zoning and recommends maintaining the existing LO-CO zoning, as approved in March 2003. The Staff recommendation is based on the following considerations: 1) there has not been a significant change in the character of the surrounding area since the 2002 request for GR zoning was considered and LO-CO was approved for this property; 2) the proposed auto washing use is incompatible and in close proximity to the single family residences to the south (approximately 35 feet to the common property line); 3) furthermore, the existing LO-CO zoning provides a transition between the single family residences to the south and the heavily-traveled Slaughter Lane and shopping center to the north; and 4) GR zoning is

generally reserved for property located at an intersection serviced by arterial roadways and while the rezoning area is close to the intersection of Brodie and Slaughter, it does not have access to both streets. Consistent with the 2002-2003 case, the Staff recommends carrying over those portions of the Conditional Overlay that correspond with the existing LO-CO zoning.

### **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The proposed GR, community commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

The existing LO district is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods. An office in an LO district may contain more than one use. The rezoning area is located along West Slaughter Lane, an arterial, and is adjacent to other office and residential uses.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff is unable to support the Applicant's request for GR-CO zoning and recommends maintaining the existing LO-CO zoning, as approved in March 2003. The Staff recommendation is based on the following considerations: 1) there has not been a significant change in the character of the surrounding area since the 2002 request for GR zoning was considered and LO-CO was approved for this property; 2) the proposed auto washing use is incompatible and in close proximity to the single family residences to the south (approximately 35 feet to the common property line); 3) furthermore, the existing LO-CO zoning provides a transition between the single family residences to the south and the heavily-traveled Slaughter Lane and shopping center to the north; and 4) GR zoning is generally reserved for property located at an intersection serviced by arterial roadways and while the rezoning area is close to the intersection of Brodie and Slaughter, it does not have access to both streets. Consistent with the 2002-2003 case, the staff recommends carrying over those portions of the Conditional Overlay that correspond with the existing LO-CO zoning.

### **EXISTING CONDITIONS**

#### **Site Characteristics**

The subject property consists of a wooden storage structure. The site is relatively flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 15%, which is based on the more restrictive watershed regulations described below.

**Environmental**

This site is located over the Edward's Aquifer Recharge Zone and in the Drinking Water Protection Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. This project application at the time of this report is subject to the SOS Ordinance, which allows 15% impervious cover per the Net Site Area.

The site is located within the endangered species survey area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

**Transportation**

No additional right-of-way is needed at this time.

The rezoning area was included in a 2002-03 case which limited development to 2,000 daily trips over seven adjoining lots on West Slaughter Lane. The Staff recommends continuing this conditional overlay. The proposed three-bay car wash would yield 324 vehicle trips per day.

**Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The landowner must pay the associated City fees.

**Compatibility Standards**

This portion of the lot is a single-family house and is currently zoned LO-CO. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-2 zoned property to the south, and would be subject to the following requirements:

Along the south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

West Slaughter Lane is a Scenic Roadway.

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0074

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

June 7, 2005 Zoning and Platting Commission

Thomas W. Carlson  
Your Name (please print)

I am in favor  
 I object

3401 Slaughter Lane  
Your address(es) affected by this application

Thomas W. Carlson 5/31/05  
Signature Date

Comments: We are in favor of this zoning. These are very deep lots that sit across the street from an existing Randsalls, other restaurants and retail on a same lane divided thoroughfare. A higher use zoning other than LD is reasonable for this high traffic roadway.

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Wendy Walsh  
P. O. Box 1088  
Austin, TX 78767-8810

Walsh, Wendy

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**From:** Shannon Martinez [Shannon@psper.com]  
**Sent:** Wednesday, June 15, 2005 2:36 PM  
**To:** Walsh, Wendy  
**Subject:** Zoning Application #C14-05-0074 H2O Car Wash

Wendy,

Hope you are having a good week. I just wanted to follow up with you to let you know that I have spoken with Sarah Crocker regarding the above referenced zoning application.

Given the history of the parcel and the conditions that H2O is willing to put in place **I would like to amend my position from opposing the use to supporting it.**

In my letter to you I mentioned as some of my concerns noise, late hours and commercial lighting. I feel like the conditions they have proposed take into account all of those concerns and some that I hadn't thought of such as the dumpsters, the distance they will keep from the rear property line, no sound amplification, building height limitations, normal business hours and trip restrictions.

I feel that they have approached the use from a very thoughtful position considering in advance all of the concerns that I as a neighbor had.

I have also had a number of positive experiences at

6/15/2005

the location this business operates on S. Lamar and Barton Springs. They appear to be eager to work with the homeowners and very much want to be desirable neighbor for us.

Thank you and please don't hesitate to contact me if you have any questions.

Best Regards,

Shannon Martinez  
3312 Graybuck Rd.

Shannon Martinez

Vice President  
Spertus Investments  
5300 Bee Caves Road  
Building 1 Suite 220  
Austin, Texas 78746  
Phone 512.329.6374  
Fax 512.328-5940  
Mobile 512.565.2739

May 26, 2005

TO: Zoning & Platting Commissioners  
FROM: Linda Klar, Tanglewood Forest Neighborhood Association  
RE: Case Number C14-05-0074-WW

485-6225 (phone)  
485-6139 (FAX)

The Tanglewood Forest Neighborhood Association opposes the proposed zoning change at 3327 Slaughter Lane from LO to the more intense GR-LO-CO. I understand that city staff will not recommend approval of this request. Our residents ask that you carefully consider our objections as well, and then deny the applicant's request.

#### **Traffic Issues**

More intense zoning would allow for additional daily car trips. You can't tell from looking at maps that the day-to-day experience on the ground is that this mid-block section of Slaughter is already dangerous. At the Shady Hollow Shopping Center there are two driveways onto Brodie. Neighbors who turn left must wait for an opening on BOTH sides of the six-lane Slaughter PLUS keep an eye on cars exiting businesses like the subject property. To allow any INCREASE in potential traffic would be folly.

#### **Precedents**

If this more intense zoning were allowed, other property owners along this row would be encouraged to seek this zoning as well, thereby further intensifying the traffic problems. And where would it stop? Would you then be compelled to allow more intense zoning east of Rocking Horse Road? What about the row of houses near Rochelle Drive? We must stand firm now so as not to send a wavering message.

#### **History**

This zoning has already been requested and denied two years ago. Any development that has taken place since that time was already planned and taken into account, so there has not been any significant changes that would cause a reversal of that decision.

#### **Quality of Life**

The subject property backs up to single-family residences. This zoning level is too intense to situated right next to single-family homes.

#### **Transitions**

The current zoning of LO provides the best transition or step up from the single-family neighborhood. Anything more intense would be a leap too large.

#### **Standards**

It is typical that GR-LO zoning is concentrated at major intersections. The subject property is located mid-block and so this zoning level is not appropriate at this location.

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-05-0074

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

June 7, 2005 Zoning and Platting Commission

Suzanne Ballettie

Your Name (please print)

3400 Graybuck Road; 78748

Your address(es) affected by this application 202-3780

Suzanne Ballettie 5/30/05  
Signature Date

Comments: Zoning Change Comes

Less than 2 yrs from previous

Request of re-zoning. Property

on each side is zoned L0 w/

properly conditional use.

Perk property (my homestead)

is zoned SF1 + adults property

in question. I am tired of

seeing my property values

decrease because of the greed

of developers not living w/ commercial.

If you use this form to comment, it may be returned to: Development  
City of Austin  
Neighborhood Planning and Zoning Department  
Wendy Walsh  
P. O. Box 1088  
Austin, TX 78767-8810

OUT THERE  
BACK DOOR

## **MEMORANDUM**

**TO:** Betty Baker, Chair and Members of the Zoning & Platting Commission

**FROM:** Dora Anguiano, ZAP Commission Coordinator  
Neighborhood Planning and Zoning Department

**DATE:** June 30, 2005

**SUBJECT:** ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

**CASE # C14-05-0074**

**15. Zoning:** C14-05-0074 - H2O Car Wash  
**Location:** 3327 West Slaughter Lane, Slaughter Creek - Barton Springs Zone Watershed  
**Owner/Applicant:** Terra Advisors, DBA (Michael F. Doerr)  
**Agent:** Sarah Crocker  
**Postponements:** Postponed to 06/21/05 (applicant)  
**Request:** LO-CO to GR  
**Staff Rec.:** NOT RECOMMENDED  
**Staff:** Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

### SUMMARY

Wendy Walsh, staff – Gave her presentation and the history on the case.

Commissioner Baker – “The GR, the CS-1 and everything directly across the street, how does that follow with the LO zoning on this tract? When was the area across the street that’s zoned GR, CS, MF-4, when did that all that get zoned?”

Ms. Walsh – “The CS-1 was a 2002 case, the SF-2 and the RR; I believe those were part of a PUD that was done back maybe in 1987. I’m looking at exhibit A and there’s a note there”.

Commissioner Baker – “And the MF-4, was that part of the 2002 case?”

Ms. Walsh – “That was zoned in 2002”.

Commissioner Baker – “So there have been changes in the area?”

Ms. Walsh – “At the time of the 2002 zoning case that included this property, the shopping center was under construction”.

Commissioner Baker – “Thank you”.

Sarah Crocker, applicant – “I have read the Staff recommendation and when this particular case was bought in; the north side of Slaughter came into the City annexation area earlier than this side of Slaughter because of utilities. The Endeavor Shopping Center across the street has a 1985 case and I zoned the CS-1 in that area for a liquor store. When this case was submitted for this particular tract, there was no specified use, it was to get some commercial zoning for it because Slaughter Lane had been widened and extended and turned into a major arterial roadway, the two businesses that are there, the beauty salon and the engineering office, these were small houses. For this particular tract, it does not have a residence on it and never had a business on it, there was no specified use. The beauty salon does have footprint zoning for LR and the balance of the tract was left LO. When my client first looked this property... basically what we’re doing is we’re looking at this and we want one use, which is the automotive washing and we don’t need GR for the rest of the tract, we can do exactly what we need to do with the

footprint zoning. We tried to squeeze the zoning down into the smallest area as we possibly could. What makes this car wash different than anything else that you'll see around here, is that it is a hand car wash, there's no machinery involved, the cars are washed by hand with a hose, they are vacuumed and taken in and cleaned with a hose and a sprayer underneath the canopy, then they are moved around and detailed. There's no machinery; at no time is this facility operated when it's not attended. They also use bio-degradable products. He has an existing car wash on the corner of Lamar, they have been operating there for a couple of years; he got an A+ rating on his grease trap. All the conditions that we drew up are basically looking at our proximity to the single-family behind us; we want to keep whatever is put here in mass scale that's appropriate with the single-family behind us and every condition that's listed here, we feel would address many of the concerns that the neighbors would have; no pole lighting, limiting our hours of operation, he doesn't need to use a dumpster, this use does not generate waste; we are willing to limit everything that we've put on our limited conditions on this particular tract. The building is 69-feet from the rear of the property line now and we're willing to add some additional landscaping for screening and buffering and mitigate any sound".

Commissioner Baker – "On your bullet number four, hours of operation are from 8:00 a.m to 6:00 p.m."

Ms. Crocker – "Yes".

### **FAVOR**

Howard Florence, H2O carwash owner – Spoke in favor. "I've gone above and beyond the call of duty for City requirements as far as drainage and run-off chemicals".

### **OPPOSITION**

Linda Klar, Tanglewood Forest Neighborhood Association – Spoke in opposition.

Commissioner Baker – "Do you live east or west?"

Ms. Klar – "I live east of the car wash".

Commissioner Baker – "Thank you".

Suzanne Balettie, homeowner who lives directly behind the property – Spoke in opposition. "Please support what the City of Austin Zoning Staff is supporting".

### **REBUTAL**

Sarah Crocker, applicant – "I understand about concerns on whether or not any of these conditions will be mounted; this will have to go through the site plan process. My client will live and work with the people that are around him, so I personally have a great deal of confidence that he will apply and stick to those conditions".

Commissioner Baker – “What are the days of operation?”

Ms. Crocker – “He’s open 7-days a week”.

Commissioner Rabago – “Am I to understand that there’s a carwash that has a zoning of SF-1?”

Ms. Crocker – “Yes”.

Commissioner Rabago – “Do you know how old that is?”

Ms. Crocker – “It’s been there for quite some time, it was there before that section of Slaughter was annexed into the City; I would say that it’s been there since at least the 1980’s”.

Commissioner Hammond – “What kind of screening are you proposing?”

Ms. Crocker – “Compatibility calls for a fence or some kind of solid structure; we’ll probably do some kind of fence structure on the back that would be solid and have some masonry column or brick columns with a different type of material between the columns. Then in front of that he’ll plant an additional 10-foot landscape buffer and putting lots of good shrubs that will grow up fast that can provide additional sound barrier”.

Commissioner Hammond – “Okay, thank you”.

Commissioner Baker – “Will the applicant be willing to enter into a restrictive covenant for a rollback provision if the use ceases?”

Ms. Crocker – “Yes; In talking to Staff, I understand that this is the only GR use permitted and all other uses would be limited to those that are already in existence with the LO zoning. So if this use went away, the building would already be there, but it could be used for an office or any of the LO uses that are already permitted on the property. I would be happy to agree to a rollback or limiting it to the LO uses that are already there that they neighborhood has already agreed to”.

Commissioners Whaley – “What kind of signage are you proposing?”

Ms. Crocker – “It’s subject to the scenic sign regulations”.

Commissioner Whaley – “Also, obviously some of these items are not able to be done in a conditional overlay, it would need to be a private restrictive covenant. I have heard other people talk about some type of performance bonds that are attached, they do a private restrictive covenant with the neighbors...”.

Ms. Crocker – “I would certainly be happy to discuss with them as we go forward”.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Rabago – “I’d like to express a comment to my fellow commissioners, I’ve driven down this street and noticed how there are offices along that side of the street and there’s a shopping strip; reading about this potential opportunity to have a structure or service where they are proposing to have it seems to me that it would be appropriate. I think it would be beneficial to residents to have a car wash there”.

Commissioner Baker – “Would you like to rephrase it in a form of a motion?”

Commissioner Rabago – “I’ll move to approve GR-CO zoning with the conditions outlined in the conditional overlay or the restrictive covenant where appropriate”.

Commissioner Martinez – “Second”.

Commissioner Baker – “Would you also consider the rollback provision if the use ceases for more than 90-days? I have a problem with a 7-day operation”.

Commissioner Rabago – “I’m not keen on a 7-day operation either; I’d say 6-days a week”.

Commissioner Martinez – “I agree”.

Commissioner Donisi – “When you say 6-days a week, are you leaving it to the discretion of the applicant to choose the day or are we saying that Sundays would not be appropriate?”

Commissioner Rabago – “Sundays would not be appropriate, so Monday through Saturday”.

Commissioner Donisi – “Okay”.

Motion carried.

**COMMISSION ACTION:  
MOTION:**

**RABAGO, MARTINEZ  
APPROVED GR-CO DISTRICT  
ZONING WITH RESTRICTIVE  
COVENANT AS OFFERED BY THE  
APPLICANT. ADDITIONAL  
RESTRICTIVE COVENANT ITEMS  
ARE: ROLLBACK TO LO-CO, IF THE  
USE CEASES; HOURS OF  
OPERATION, 8:00 A.M TO 6:00 P.M.,  
MONDAY THRU SATURDAY ONLY.**

**AYES:**

**GOHIL, BAKER, DONISI, PINNELLI,  
RABAGO, HAMMOND, MARTINEZ,  
WHALEY**

**ABSENT:**

**JACKSON**

**MOTION CARRIED WITH VOTE: 8-0.**

Sarah Crocker

1445 P Street N.W. #304

Washington DC, 20005

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June 14, 2005

Ms. Betty Baker  
Chairperson  
Zoning and Platting Commission  
City of Austin  
Austin, Texas  
78704

RE: LIST OF CONDITIONS FOR C14-05-0074

Dear Ms. Baker.

This property was part of a zoning case C14-02-0120. There was neighborhood opposition to that case which resulted in the current zoning of LO/CO. The original request for this tract at the time that case was submitted was GR. It is important to note that there was no specific use anticipated for this tract at the time the zoning case was submitted. The property to the east and the west had existing non-conforming uses which were zoned LR (beauty salon/ day spa) and LO (civil engineers office) in accordance with the existing use on each of these properties.

The application that you will be considering is for one specific GR use, automotive washing. My client owns and operates a hand wash car operation on the corner of Lamar and Barton Springs Rd. There is no machinery associated with this use, all vehicles are washed, dried and detailed by hand. A 1200 sq.ft. Building and outdoor deck is proposed which will be utilized for the cashier, restrooms and customer lounge/waiting area.

Attached you will find a list of conditions which my client is willing to have imposed on this site in conjunction with the current zoning request. He is very aware of his proximity to the adjacent single family neighborhood, which was the primary consideration when discussing what conditions would be appropriate for this use.

Sincerely



Sarah Crocker

PROPOSED CONDITIONS TO BE INCLUDED IN A CONDITIONAL OVERLAY  
OR RESTRICTIVE COVENANT

- The proposed structure for this use is 69 feet from the rear property line. Limit the height of any structure to a maximum of 35 feet. (current zoning permits 40 feet/ GR is 60 feet). Height limitation will maintain structure single family density and mass.
- No pole lights will be utilized for the site; lighting will be placed on the side of the building or under the canopies and will be hooded and shielded.
- The 100% hand-washing aspect of this use significantly reduces the amount of waste generated. My client is willing to forgo the use of a dumpster and will utilize City of Austin commercial trash pick-up.
- Hours of operation are from 8:00 AM to 6:00 PM → 6:00
- As per our discussions with the transportation staff trip generation for this site will be restricted to 324 trips per day. This permits a maximum of a three "stall" car wash.
- In addition to the physical screening requirement in the compatibility standards we are willing to plant a 10 foot landscape area along the property line adjacent to the single family neighborhood.
- There will be no outdoor amplification system or music.
- We are willing to prohibit the installation of machinery to wash vehicles.
- Automobile washing will be the only permitted GR use all other uses will be limited to those previously permitted in LO.
- All drive thru services is prohibited.
- Signage will be limited to a berm sign or one sign mounted on the building.



# DETAIL PACKAGES

SHAMPOO CARPET MATS \$5.00 PER MAT

SHAMPOO SEATS \$25.00 & UP

SHAMPOO CARPETS \$35.00 & UP

## INTERIOR DETAIL

SHAMPOO CARPETS & SEATS  
CLEAN & DRESS LEATHER SEATS

CLEAN & CONDITION DASH,  
DOOR PANELS, & CONSOLE

CARS \$75 & UP

TRUCKS \$75 & UP

SUV'S/MINIVANS \$85 & UP

LARGE VANS \$95 & UP

## DELUXE DETAIL

HAND WASH & HAND WAX  
SHAMPOO & DEODORIZE CARPET

CLEAN & DRESS

INTERIOR RUBBER, VINYL OR PLASTIC

CLEAN & DRESS

EXTERIOR RUBBER, VINYL OR PLASTIC

CLEAN & SHINE EXTERIOR CHROME

COMPLETE WHEEL DETAIL

SHAMPOO TRUNK

\$125 & UP

## EXECUTIVE DETAIL

HAND WASH & HAND WAX  
SHAMPOO & DEODORIZE CARPET

CLEAN & DRESS

INTERIOR/EXTERIOR RUBBER,

VINYL & PLASTIC

CLEAN & SHINE

EXTERIOR CHROME

COMPLETE WHEEL DETAIL

BUFF COMPLETE CAR

(REMOVES LIGHT SCRATCHES, DULLNESS & WATER SPOTS)

SPOT CLEAN HEADLINER

CLEAN DOOR JAMBS - CONDITION

WEATHER STRIPPING & SEATS

(SHAMPOO OR CONDITION LEATHER)

\$175 & UP

# H<sub>2</sub>O HAND CAR WASH & DETAIL

## BASIC WASH

VACUUM - HANDWASH

HAND DRY WITH CHAMDIS

LIGHT WIPE DOWN OF DASH & DOOR PANELS

CLEAN WINDOWS - DRESS TIRES

CARS, SMALL TRUCKS \$16.00

TRUCKS, SUVS \$18.00

WRECKERS, HUMMERS \$20.00

LIMOS \$25.00

EXPRESS WASH \$10.00

## EXTRA SERVICES

### BASIC DRESS

APPLICATION OF THE LEATHER/VINYL  
PROTECTANT TO DASH, DOOR PANELS

& CENTER CONSOLE \$5.00

APPLICATION OF THE LEATHER/VINYL  
PROTECTANT TO DASH, DOOR PANELS,

CENTER CONSOLE & LEATHER

OR VINYL SEATS \$10.00

BUMPERS & TRIM \$3.00

WASH RUBBER MATS \$2.00

AIR FRESHENER \$1.00

### DELUXE DRESS

HAND WASH & HAND WAX

BASIC WASH PLUS, AIR FRESHENER,

DRESS BUMPERS & TRIM

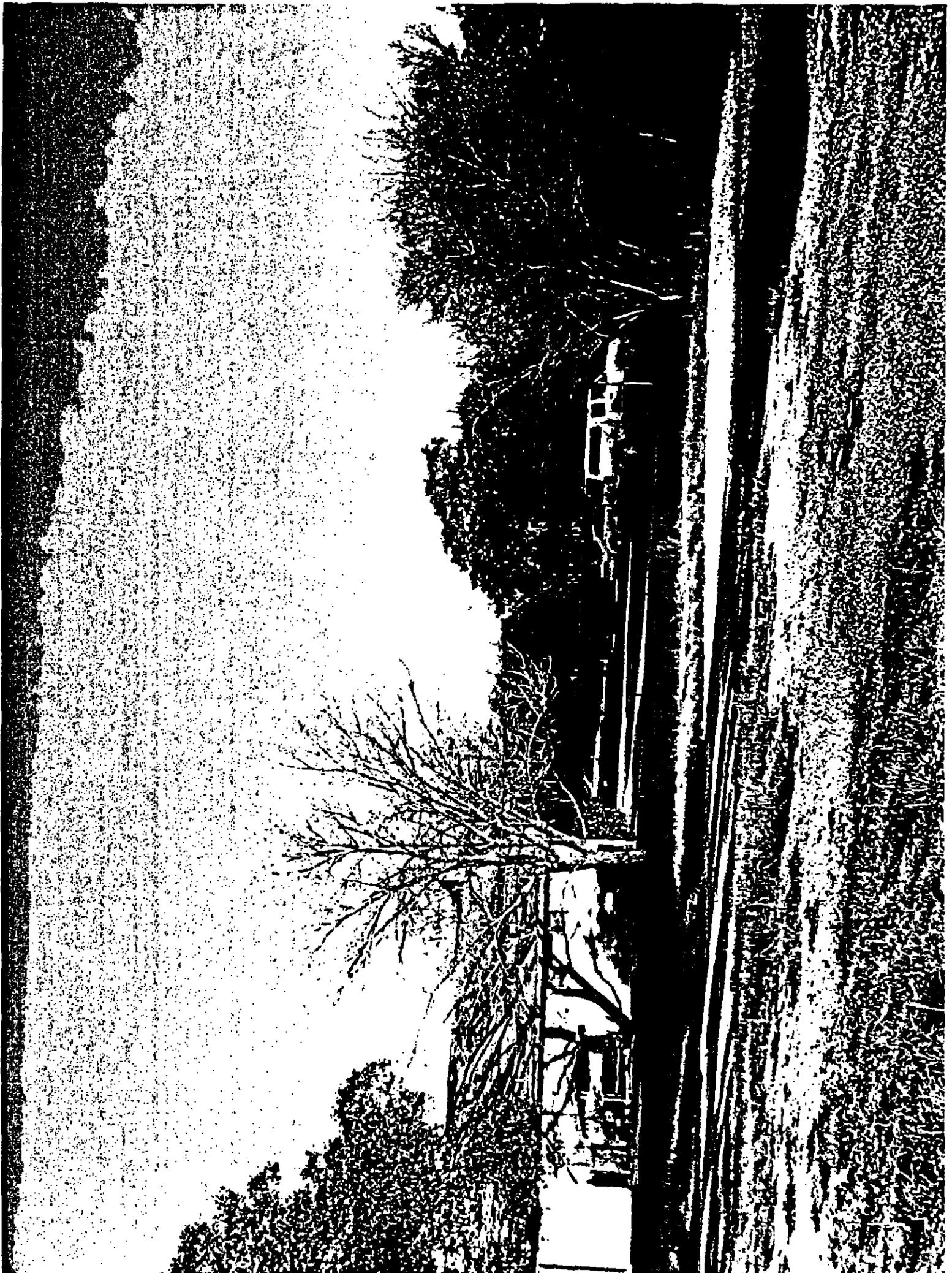
CARS/SMALL TRUCKS \$45.00

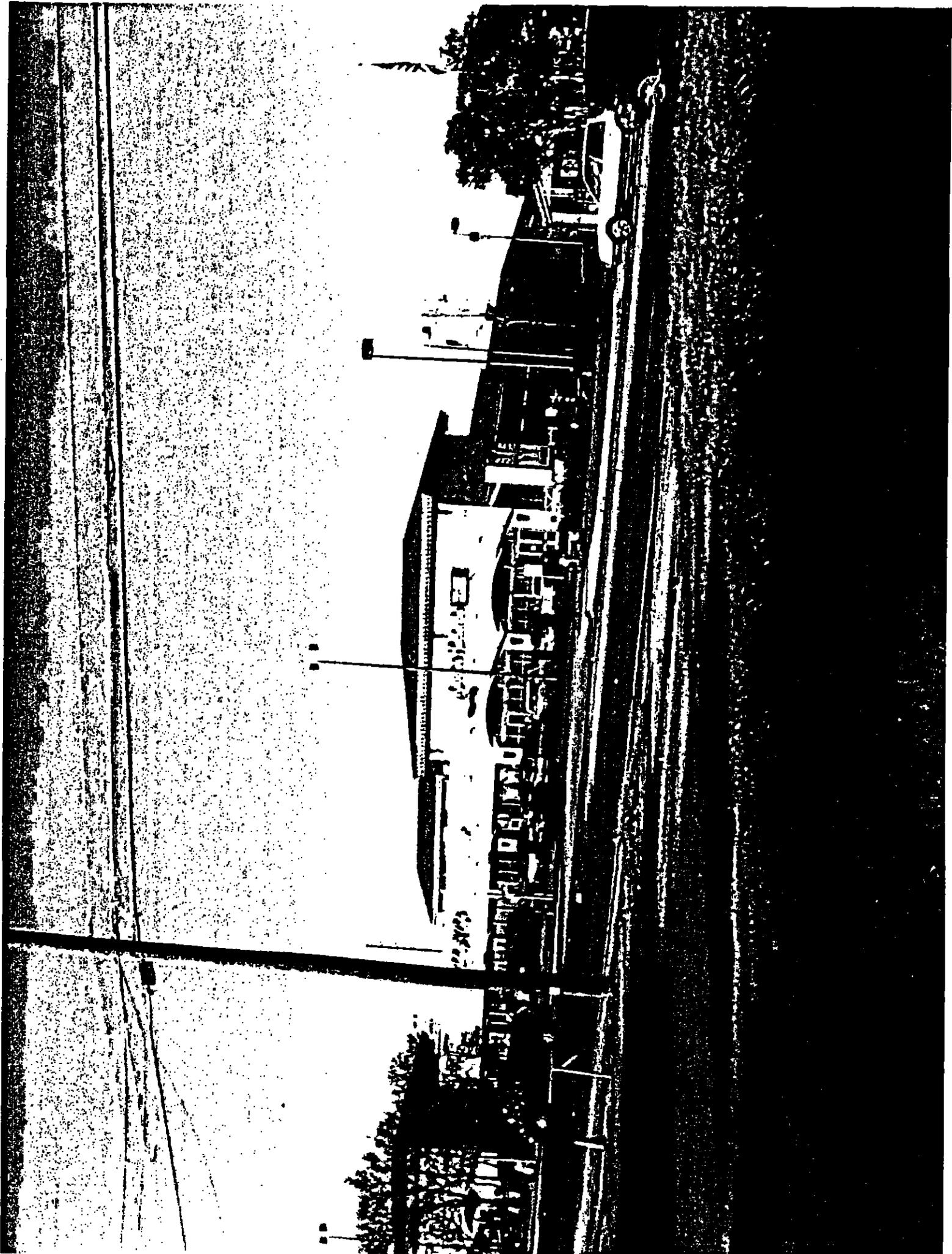
TRUCKS/SUVS \$50.00 & UP

## PRICES MAY VARY

DUE TO CONDITION & SIZE OF VEHICLE







*H2O Hand Car Wash*

GIFT CERTIFICATES

HAND WASH  
CARS TRUCKS SUVs  
1-817

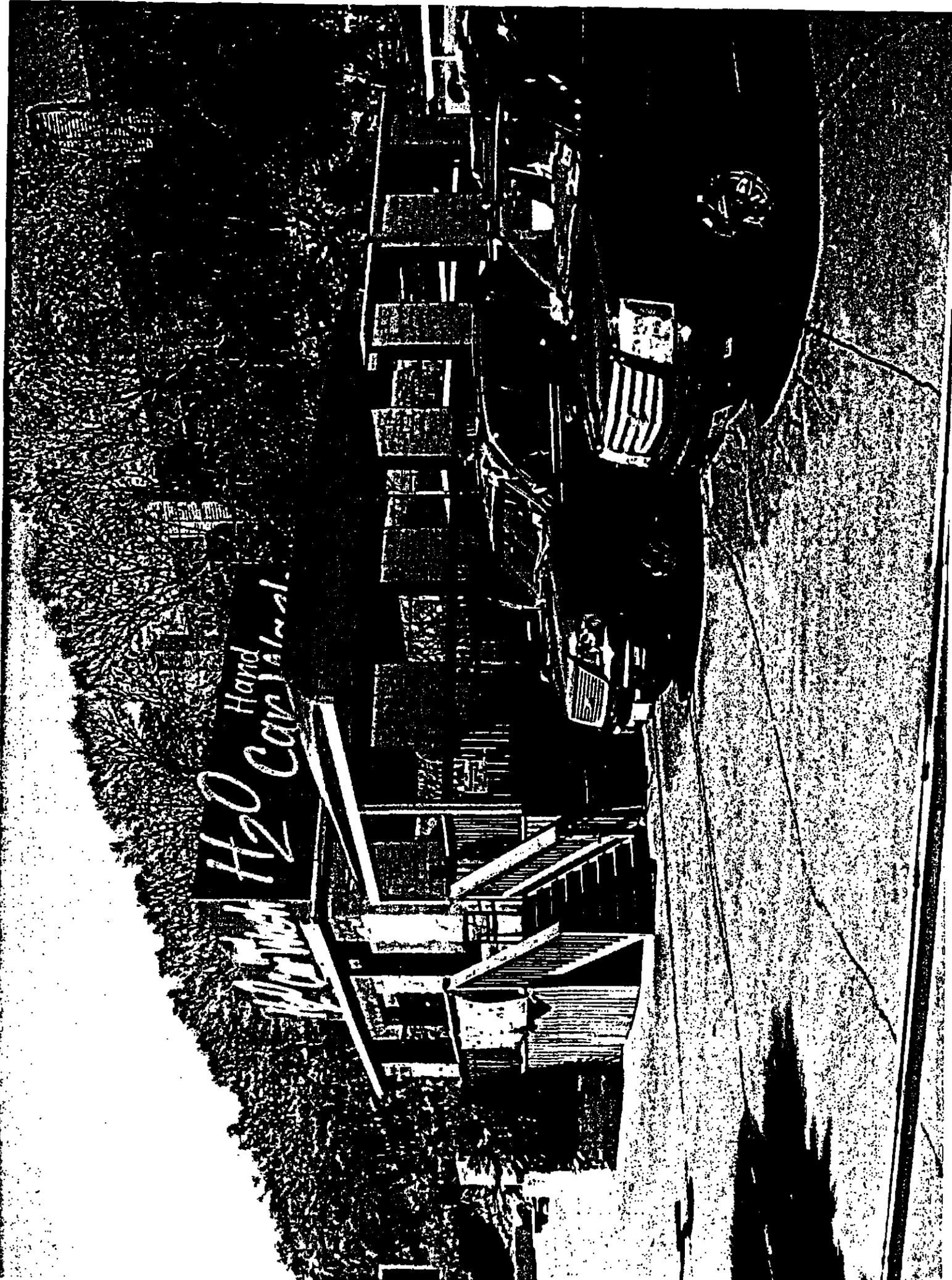
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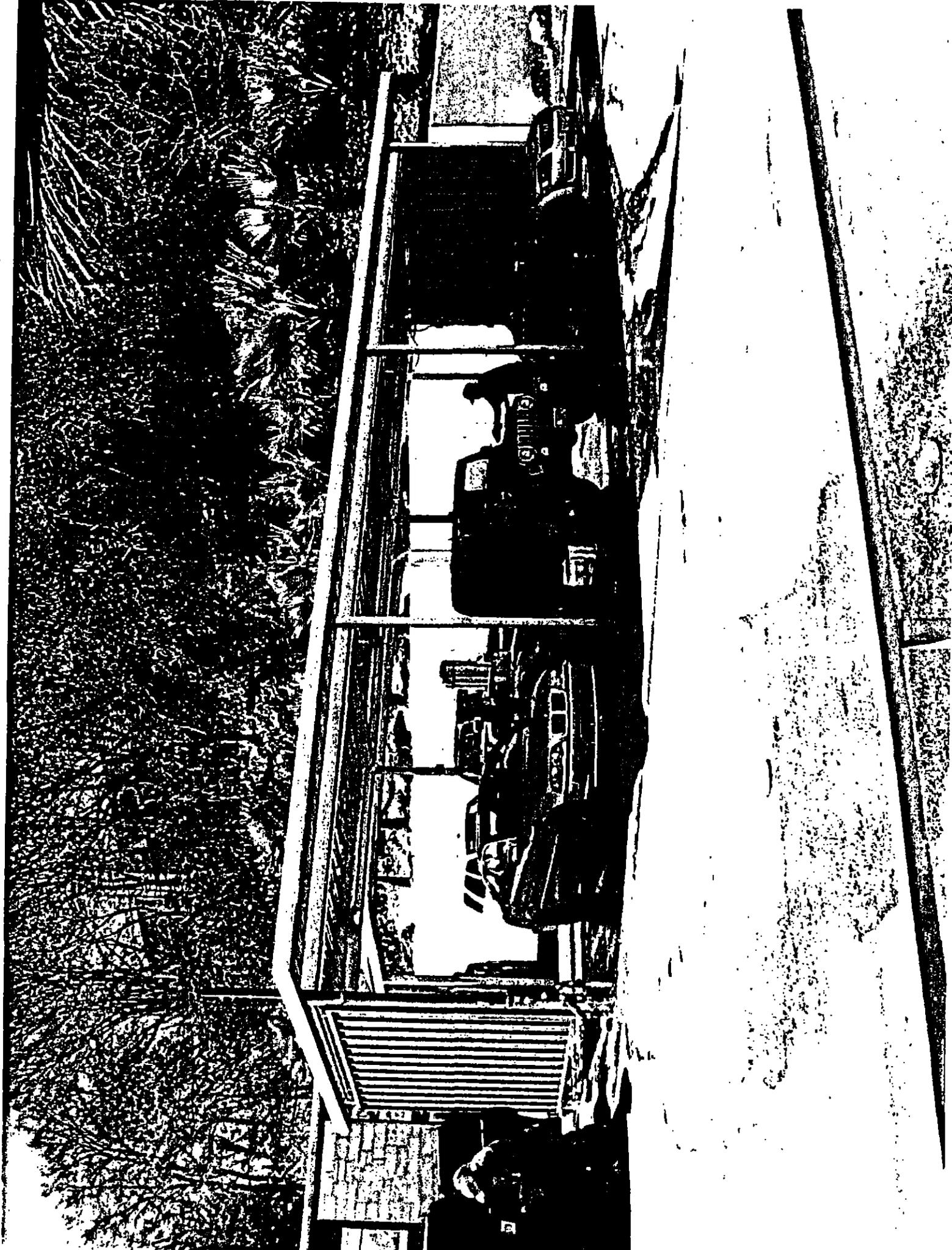
28

29



Planned H2O Hard  
Capitals.





City of Austin  
Neighborhood Planning & Zoning Department  
Wendy Walsh  
P.O. Box 1088  
Austin, Texas 78767-8810

Dear Ms. Walsh,

Please accept this Petition in opposition of the proposed GR-CO zoning request for **C14-05-0074 located @ 3327 West Slaughter Lane**. Each of the signatures on this list are property owners within 200' radius of this property and by our signature, are supporting staff's recommendation to maintain the current LO-CO zoning.

Thank you,

Suzanne Balettie  
3400 Graybuck Road  
Austin, Texas 78748

**P E T I T I O N**

Date: 6-25-05

File Number: C14-05-0074

Address of

Rezoning Request: 3327 W. Slaughter Lane

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LO-CO.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<u>Suzanne Baletti</u>	<u>SUZANNE BALETTIE</u>	<u>3400 Graybuck Rd.</u>
<u>Richard F. Kasey</u>	<u>RICHARD L. KASEY</u>	<u>3404 GRAYBUCK RD</u>
<u>Clyde Russell</u>	<u>Clyde Russell</u>	<u>3310 Gray Buck RD</u>

Date: June 25, 2005

Contact Name: Suzanne Baletti

Phone Number: 282-3780





# PETITION

Case Number:

**C14-05-0074**

Date:

June 20, 2005

Total Area within 200' of subject tract: (sq. ft.)

192,342.51

1	<u>04-2628-0110</u>	<u>KASEY RICHARD TYRA</u>	<u>18,378.93</u>	<u>9.56%</u>
2	<u>04-2628-0109</u>	<u>BALETTIE EUGENE V</u>	<u>30,008.37</u>	<u>15.60%</u>
3				<u>0.00%</u>
4				<u>0.00%</u>
5				<u>0.00%</u>
6				<u>0.00%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
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Validated By:

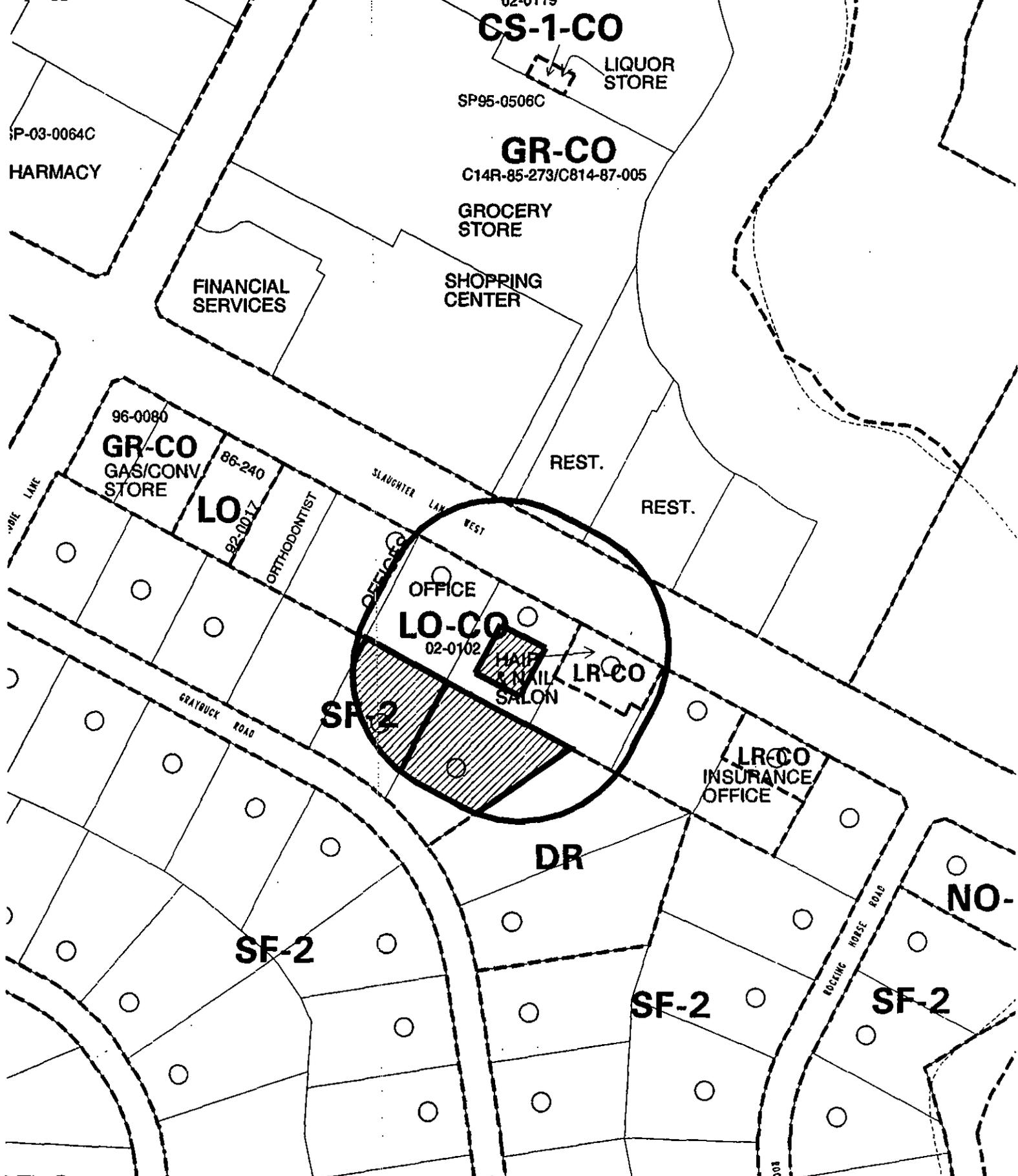
Stacy Meeks

Total Area of Petitioner:

48,387.30

Total %

25.16%



 1" = 200'	SUBJECT TRACT 	PETITIONS		CITY GRID REFERENCE NUMBER  D15
	PENDING CASE 			
	ZONING BOUNDARY 	ADDRESS: 3327 W SLAUGHTER LANE	INTLS: SM	
	CASE MGR: W. WALSH	SUBJECT AREA (acres): 0.162		

Sarah Crocker

1445 P Street N.W. #304

Washington DC, 20005

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July 26, 2005

Mayor Will Wynn  
City of Austin  
PO Box 1088  
City of Austin  
Austin, Texas  
78767

RE: POSTPONEMENT REQUEST FOR C14-05-0074

*Dear Mayor Wynn,*

Staff informed me this morning that they have received what appears to be a valid petition on the above referenced case. Due to this information and the possibility that Councilmember Dunkerly may not be in attendance at this weeks City Council meeting I would like to request that this case be postponed to the August 18<sup>th</sup> City Council meeting.

This is my first postponement request to City Council for this case.

Sincerely,

  
Sarah Crocker  
Authorized Agent

Sarah Crocker

1445 P Street N.W. #304

Washington DC, 20005

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August 24, 2005

Mayor Will Wynn  
City of Austin  
PO Box 1088  
Austin, Texas  
78767

RE: WITHDRAW OF AGENT AND REQUEST FOR INDEFINITE POSTPONEMENT  
ITEM Z-10 C14-05-0074

Dear Mayor Winn,

As you know I have closed my business in March of this year and am no longer active in the development process in Austin. Due to pressing family matters I am unable to continue in my capacity as authorized agent in the above referenced zoning case.

Therefore I am withdrawing as the authorized agent and would respectfully request an indefinite postponement in order for my client to retain representation in this matter prior to the public hearing being held.

Sincerely,



Sarah Crocker